

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings

Report prepared by: Troy Fujimoto

Public Hearing: Yes: ✓ No:

Notices Mailed On: 3-31-02 Published On: 3-30-02 Posted On: 3-31-02

TITLE: S-ZONE AMENDMENT (P-SA2003-13) and USE PERMIT NO. P-UP2003-6 APPROVAL

Proposal: A request to locate an 11,500 square foot retail food store, including the sale of alcoholic beverages, and a parking modification of the September 2002 approved ULI shared parking study for two spaces

Location: 1210 Great Mall Drive

APN: 086-24-055

RECOMMENDATION: Approval with conditions

Applicant: Beverages & More!, 1470 Enea Circle, Suite 1600, Concord, CA 94520

Property Owner: Swerdlow Real Estate Group Inc. 4651 Sheridan Street, Suite 200, Hollywood, Florida 33021

Previous Action(s): "S" Zone, Use Permits, EIA, GPA

General Plan Designation: General Commercial

Present Zoning: General Commercial ("C2-S")

Existing Land Use: Regional Shopping Center

Agenda Sent To: Applicant & Owner (as noted above)

Attachments: Plans
Applicant's letter of project description, dated February 12, 2003
Planning Commission Resolution No. 168

PJ#3156

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BACKGROUND

From 1955 to 1983, the Ford Motor Company operated an auto assembly plant on the site. In 1993, the City approved a General Plan Amendment to re-designate the site from Manufacturing to General Commercial. In that same year, the Planning Commission approved the conversion of the auto assembly plant into a value-oriented regional shopping mall, which opened in 1994.

In 1999, the City approved an "S" Zone application for a tower (never built), an "S" Zone Amendment for building modifications and a new sign program, as well as use permits for a cinema, arcade, bar, restaurants, parking reduction, billiards and a tower bar restaurant (the latter never built).

Site Description

The Great Mall of the Bay Area is a regional shopping mall on approximately 103 acres. It is located east of South Main Street, west of the Union Pacific Railroad tracks, north of Great Mall Parkway and Montague Expressway and south of Curtis Avenue. The Great Mall has a zoning designation of General Commercial with an "S" Zone overlay (C2-S).

Neighboring land uses to the Great Mall shopping center include high-density residential uses to the north and west and industrial and office park uses to the east and south. The location of Beverages and More will be the former temporary City Hall location at the southwest area of the mall, adjacent to Sportsmart.

THE APPLICATION

This application is submitted pursuant to Section 10-42 ("S" Zone Combining District), Section 57 (Conditional Use Permit), Sections XI-10-19.03-17 (Food stores), 19.03-20 (Liquor stores), and Section 57.02-18 (Use Permits – Parking Modifications) of the Zoning Ordinance. Section 19.03-17 allows food stores and Section 19.03-20 allows liquor stores, as conditional uses in the C2 district. The applicant is requesting approval to operate an approximate 11,500 square foot liquor and food store.

In addition to liquor and food sales, the applicant proposes to hold infrequent "wine tastings" within the store. This will be similar to supermarkets that often offer samples of their products to patrons.



View looking east (front entrance area)

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PROJECT DESCRIPTION

The applicant proposes to operate an approximate 11,500 square foot food and liquor store within a tenant space in the Great Mall. This facility would not have internal customer access to the mall and would only be accessible through external access points facing the parking lot. The applicant proposes to sell food, all types of alcoholic beverages, and to provide infrequent wine tasting. The applicant proposes the following business hours:

Monday through Friday	10:00AM to 9:00PM
Saturday	9:00AM to 9:00PM
Sunday	10:00AM to 7:00PM

Beverages and More is different from a supermarket, in that it does not provide a full line of food products, rather the business, as it names suggests, concentrates on the sale of soft and alcoholic beverages.

Building Architecture

The applicant proposes to modify the entrance to the tenant space. The applicant proposes to add a new awning structure, which will be thirty-one (31) feet tall and 41 ½ feet wide. The awning will have an arched metal roof supported by two columns. The columns will have a concrete base with corrugated and metal columns connecting to the metal awning. The applicant also proposes to install storefront doors and transom windows. In addition a smaller metal canopy will be installed directly above the entranceway. The applicant also proposes to locate a shopping cart corral to the right of the main entrance, at the front of the building. The cart corral will be defined by a three foot and a half (3½) tall stucco wall (to match the existing building) and will be approximately 4 feet wide by 19 feet long/deep. With the inclusion of the cart corral at this location, there will be adequate space for access, as there will be approximately 10 additional feet to the curb. Since this cart corral will displace some of the existing landscaping at the front of the building, *staff recommends*, that the applicant create a landscape strip at the front of the corral wall to minimize the loss of the existing landscape area.

Landscaping

Currently there is another small landscaping strip at the front of the building containing 3 palm trees. The applicant is proposing to relocate 1 of the existing palm trees slightly to the left to provide better symmetry to the mall building elevation.

Due to the location of the shopping cart corral, the applicant will modify approximately 80 square feet of landscaping. However, due to the lack of landscaping in this location, it is not expected to have a noticeable effect on the area.

Signage

The applicant is proposing two building signs. One sign will be on the south-facing wall and one will be on the west-facing wall. The sign on the south wall will be approximately 45 square feet and will be individual channel and internally-illuminated. The sign on the western wall will be similar to the existing "Sportsmart" sign. The approximate 210 square foot sign will have 4 foot tall letters that will be internally-illuminated and will be installed on a joist/truss structure that will connected to the two columns of the awning and matches the "Sportsmart" sign. 255 square

feet of additional signage will not impact the mall's allowed signage, as they will still have over 3,000 square feet of signage available for new uses.

Floor Plan

Beverages and More will be located in an approximate 11,500 square foot tenant space. The entrance will be at the western end of the space with offices, restrooms and a walk-in cooler at the east end of the tenant space. Racks will be placed throughout the tenant space to display items. Food items will be displayed at the northwest corner. Check-out and non-food items will be located at the western end, near the entrance.

ISSUES

USE PERMIT FINDINGS

Any approval of a Use Permit or Use Permit Amendment, requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how these findings can be made for the proposed project, as conditioned.

Conformance with the Milpitas General Plan and Zoning Ordinance

The use is consistent with the City's General Plan description of General Commercial, since the project site's location (in a regional shopping center) is part of the "wide range of retail sales and personal services" (from General Plan) primarily for automobile users found at the Great Mall. In this case the only patron access will be from the parking lot, thus most patrons will be automobile users.

The use is likewise consistent with the Milpitas Zoning Ordinance General Commercial district (purpose and intent) in that it is a business that "promotes a pleasant shopping environment," and is "designed to attract customers and traffic from the mall that are primarily automobile users.". It is also a complementary use to other retail businesses at the mall. The project complies with the C2 District in terms of height, setbacks, FAR, lot area and width.

Zoning Development Standard	Proposed Project	Complies?
Building Height: no limit	41.5 feet (new awning)	Yes
Lot Area: 10,000 square feet minimum	Approximately 103 acres	Yes
Lot Width: 100 feet	Over 100 feet	Yes
Setbacks: None	Varies	Yes

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Parking Lot

In the past there have been problems with accumulated shopping carts scattered in the parking lot in the area between Home Depot and the Mall. This caused the blocking of parking spaces and access ways throughout the parking lot. While the number of carts for Beverages and More will be less than that associated with the Home Depot, there is still the potential for carts to end up in the parking lot if not collected in a timely manner. Therefore, *staff recommends* the applicant provide a cart corral in the parking lot. In addition, to ensure collection of carts off-site, *staff recommends* that the applicant complete a signed shopping cart agreement with the City's Neighborhood Services Division.

Parking

An amendment to the original parking reduction was approved in September 2002. The parking reduction involved an allowance of over one and half million square feet of retail space, in addition to entertainment square footage, and restaurant and theater seating through a ULI shared parking study that allowed joint use parking allocations. The need for a cart corral to be located in the parking lot will result in the loss of up to two (2) parking stalls. Because the mall currently does not have any excess capacity, a parking reduction of two parking spaces is requested to accommodate the cart corral.

While the loss of two (2) spaces will not have an impact throughout the majority of the year, as evidenced by the parking study completed in December 2002, it may impact parking during the holiday season. Thus, *staff recommends* the applicant increase the holiday off-site parking program by two (2) parking spaces to 543.

Community Impact

Based on the previous discussion in this staff report, staff concludes that, as conditioned, the proposed business will not create any adverse impacts related to traffic, noise, and to surrounding land uses. The use will be a complementary use to other mall businesses and is expected to draw the same customers that already patronize the mall. Thus, it is not expected to cause a sizable amount of new trips to the mall, nor will it impact neighboring residential uses since its location is away from these uses.

RECOMMENDATION

Close the Public Hearing. Approve S-Zone Amendment (P-SA2003-13) and Use Permit No. P-UP2003-6 subject to the Findings and Special Conditions listed below:

FINDINGS

1. The project is consistent with the City's General Plan (General Commercial land use designation) in that it is a business at the Great Mall that contributes to the "wide range of retail sales and personal services" for patrons using automobiles.
2. The project is consistent with the City's Zoning Ordinance purpose and intent for the General Commercial district, because it will complement other retail uses at the mall, will be a stable retail use at the Great Mall, and will serve existing automobile users that currently patronize the mall.

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3. As conditioned, the project will not create any adverse community impacts since it will provide a convenient service to mall users and City residents and does not increase traffic or noise impacts to the adjacent neighborhood.
4. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.
5. As conditioned, the new retail store is not anticipated to result in any adverse parking impacts.

SPECIAL CONDITIONS

1. This "S" Zone Amendment (P-SA2003-13) and Use Permit No. P-UP2003-6 approval is for an approximate 11,500 square foot food and liquor store and two (2) space parking reduction at 1210 Great Mall Drive as shown on approved plans dated August 9, 2003, except as may be otherwise modified by these conditions of approval. Any change in nature of the operation shall require review and approval by the Planning Commission of an amendment to this Use Permit. Minor changes, as per Sec. 42-10-2 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved plans. (P)
3. The applicant shall comply with Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (Items No. 1-4,9-P)
4. Prior to building permit issuance, the applicant shall provide a cart collection area (cart corral) in the parking lot. (P)
5. Prior to building permit issuance the applicant shall show on building permit plans a landscape area at the front of the proposed cart corral to the approval of the Planning Division. (P)
6. Prior to issuance of the certificate of occupancy, the applicant shall submit a completed Neighborhood Services Division Cart Collection agreement. (P)
7. If at the time of application for permit there is a project job account past due balance to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
8. To compensate for the reduction of 2 parking spaces, the Great Mall shall expand its existing offsite holiday employee parking program by 2 spaces to a total of 543. (P)
9. This approval allows an amendment to Use Permit Amendment No. P-UA2002-18 to allow a reduction in on-site parking to 6,768. Any future uses at the site that result in an increased parking reduction shall require an amendment to this Use Permit Amendment. (P)
10. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to building permit issuance by the Building Division. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)

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11. Per Section 3.10 and 3.20, Chapter 200, Title V of Milpitas Municipal Code, the owner is responsible for the solid waste and recycling collection service. The solid waste service shall be evaluated by a BFI commercial representative after the applicant has started its business to determine an adequate level of service. For general information, contact BFI at (408) 432-1234. (E)

(P) = Planning Division

(E) = Engineering Division

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the zoning ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

Building Division (For further information regarding these notes, contact Veronica Valenti, 586-3241)

1. Applicable codes shall be 2001 CBC, CPC, CMC, CEC, California Energy Code, CFC and 2002 Milpitas Municipal Code.
2. Obtain permits from Health Department and Water Pollution Control prior to applying for a building permit.
3. Since this tenant area is part of an anchor store, provide independent exiting system directly to outside as per 2001 section 404.1.3.
4. A non-usable dead space area will be created adjacent to this project. The non-usable space shall have a single-locking-man-door, which is for maintenance, and fire inspection use only. The access door should have a sign: "Non-Usable Area. Fire Department and Maintenance Access only" per letter of agreement dated 2/28/01.
5. Two separate exits are required from sales area per 2001 CBC Table 10-A and shall be located a distant apart of a half of the diagonal of area served per section 1004.2.4.
6. Provide exit signs when two exits are required as per 2001 CBC section 1003.2.8.2.
7. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC section 1114B.1.3.
8. Counters provided for the public and in general employee area must be accessible at least 5%, but not less than one as per 2001 CBC section 1122B.
9. Check stands shall be accessible per 2001 CBC section 1110B.1.
10. Provide structural design calculations for entry structure, racks/shelves over 6 feet, and walk-in cooler. Calculations and construction plan and details shall be submitted when applying for a building permit. Plans and calculations shall be wet signed and stamped by Civil Engineer.

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Engineering Division (For further information regarding these notes, contact Jeffery Leung, 586-3326)

1. It is the responsibility of the applicant to obtain any necessary permits or approvals from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division.
2. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit.

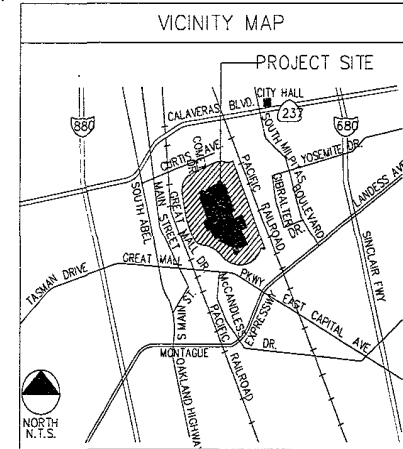
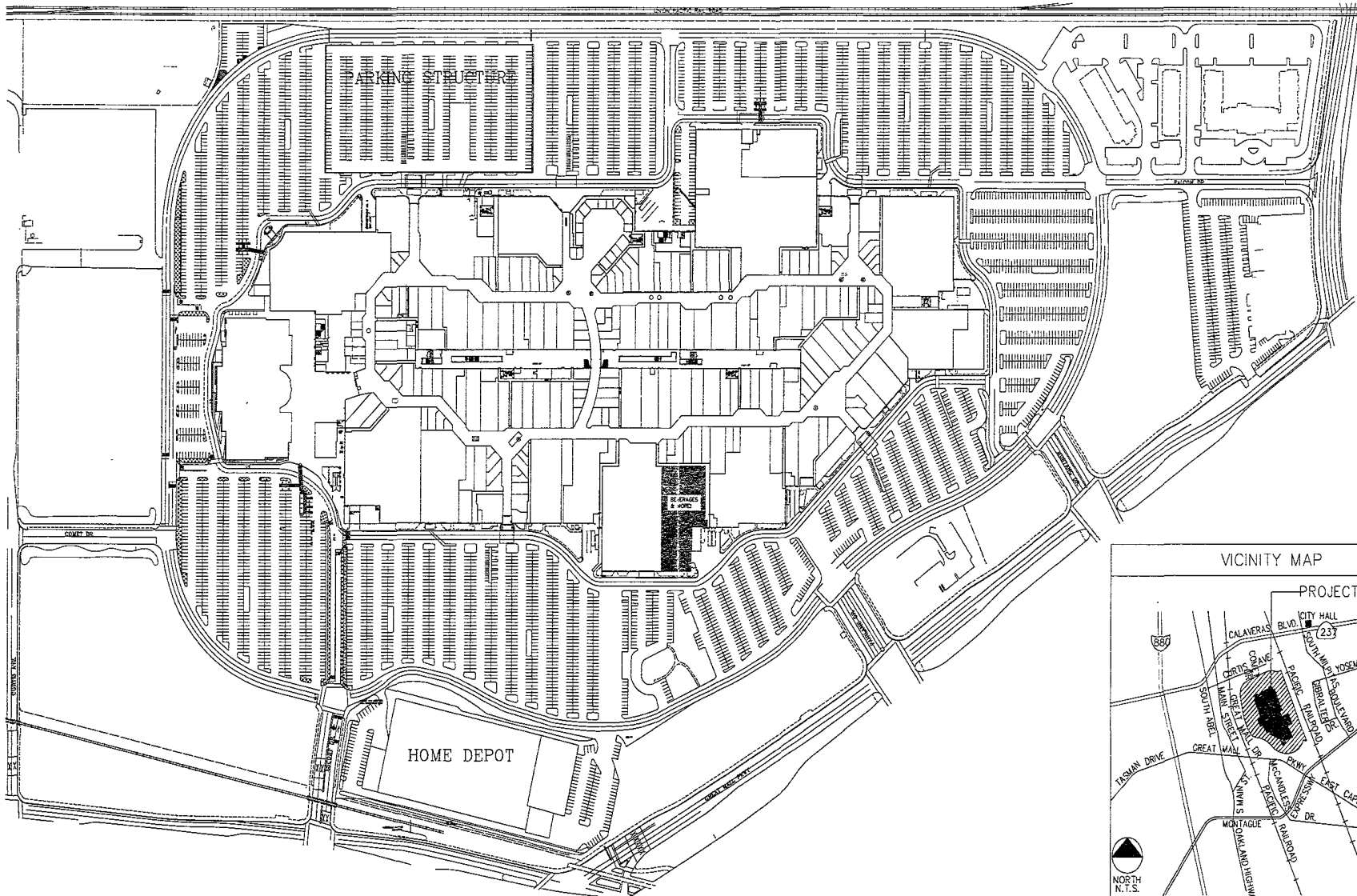
Fire Department (For further information regarding these notes, contact Albert Zamora, 586-3369)

1. Please do not consider this as an approval from the Fire Department. Additional requirements may be made prior to permit issuance. These notes are a general list of the applicable requirements and it is provided to assist in the permit process.
2. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.
3. Fire safety during construction, alteration or demolition of the building shall meet the requirements of the Fire Code Article 87, unless modified in writing and approved by the Fire Chief.
4. Fire protection, including fire apparatus access roads and water supplies for fire protection (hydrants) shall be installed and made serviceable prior to and during the time of construction. Section 901.3, CFC (California Fire Code)
5. Covered mall buildings shall comply with the minimum standards of safety as specified in Section 404, CBC (California Building Code).
6. No occupancy (or use) of any type is granted with this review for the vacant space created (left over) by this application.
7. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1, CFC
8. Fire Protection (for new tenant space and vacant space): fire sprinkler systems, fire hydrant systems, standpipe system, fire alarm systems, portable fire extinguishers, smoke and heat ventilation, smoke-removal systems, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Section 1001.5.1, California Fire Code
9. Projects with an emergency warning system shall activate a means of warning the hearing impaired. California Building Code, Section 1114B.2.4
10. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation or alteration. Section 1001.3, CFC

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11. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Manual operated edge- or surface-mounted flush bolts and surface bolts are prohibited. Section 1207.3 CFC
12. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of 50 or more. Section 1207.2, CFC
13. Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Section 1203, CFC
14. Aisles located within an accessible route of travel shall comply with the Building Code requirements for accessibility. Section 1204.2.2, CFC
15. No approval for high-piled combustible or storage systems is granted with this review. Note, the top most height of combustible stored shall not exceed 12 feet. Display or storage racks shall not obstruct the proper operation of the sprinkler system.
16. No approval is granted under this permit for use or handling of hazardous materials. Section 3504.4, CFC
17. Combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. Sec. 1103.2.1.2 UFC.
18. Dumpsters and containers of rubbish with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored or placed within 5 feet of combustible walls, openings or combustible roof eaves unless protected by an approved sprinkler system. Section 1103.2.2, CFC
19. The maximum flame-spread class of finish materials used on interior walls and ceilings shall be per Section 804.1, California Building Code.
20. The means of egress illumination shall be provided and maintained in accordance with the Building Code. Means of egress shall be illuminated when the building or structure is occupied. Section 1211.1, CFC
21. The path of exit travel to and within exits in a building shall be identified by exit signs conforming to the requirements of the Building Code, CFC 1212.2.

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 Scale: NOT-TO-SCALE
 Date: 11/27/01
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SITE PLAN / LEASEPLAN

GREAT MALL OF THE BAY
 447 Great Mall Drive
 Milpitas, California 95035-8028

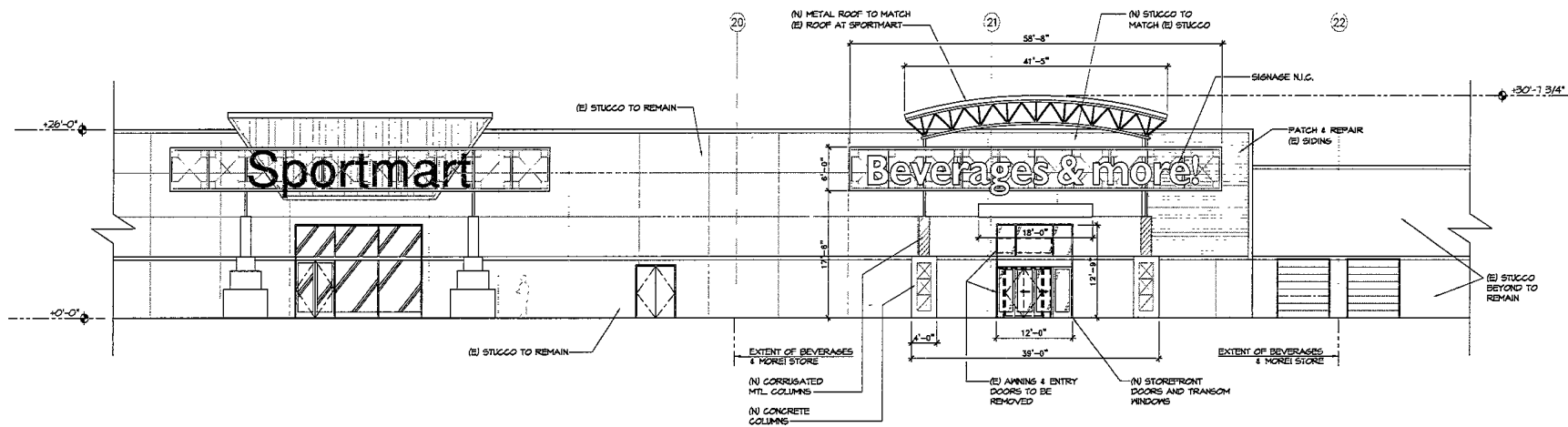
A Project for:
 Swerdlow Real Estate Group, Inc.
 300 Hollywood Way
 Hollywood, Florida 33021

FOR REFERENCE ONLY

NOTE:
 THIS DRAWING IS DIAGRAMATIC
 AND SHOWS ONLY APPROXIMATE
 CONDITIONS, LOCATIONS, QUANTITIES
 AND PROPOSED ELEMENTS.
 THE SITE LOCATION, EXISTENCE
 OR IDENTITY OF ANY ELEMENT OR
 SPECIFIC OCCUPANT MAY BE ADDED,
 ELIMINATED OR MODIFIED AT THE
 SOLE AND ABSOLUTE DISCRETION
 OF THE LANDLORD. FAILURE TO
 VERIFY ACTUAL CONDITIONS SHALL
 BE AT THE SOLE RISK AND RESPONSIBILITY
 OF THE LANDLORD.
 SPACE NAMES IN ITALICS ARE
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LEASE AREAS SUBJECT TO MODIFICATION UPON EXIT CODE
 REVIEW BY THE CITY OF MILPITAS.

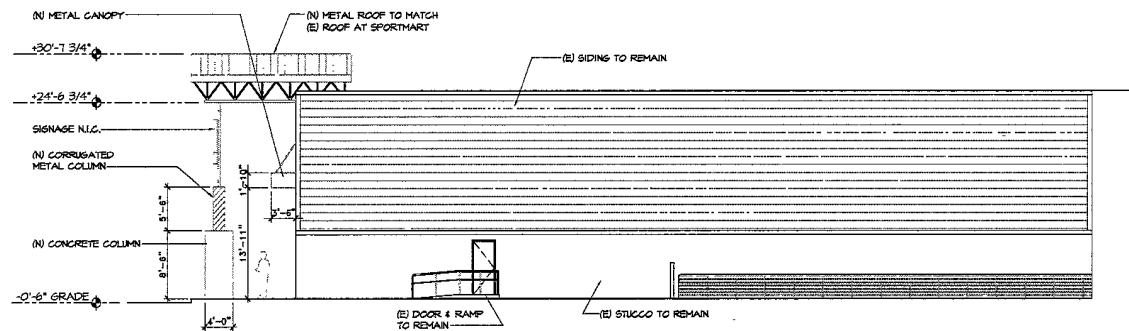
A001



1 WEST ELEVATION

A4.1

1/8" = 1'-0"



2 SOUTH ELEVATION

A4.1

1/8" = 1'-0"

Beverages & more!
The Great Mall
Great Mall Parkway
Milpitas, California

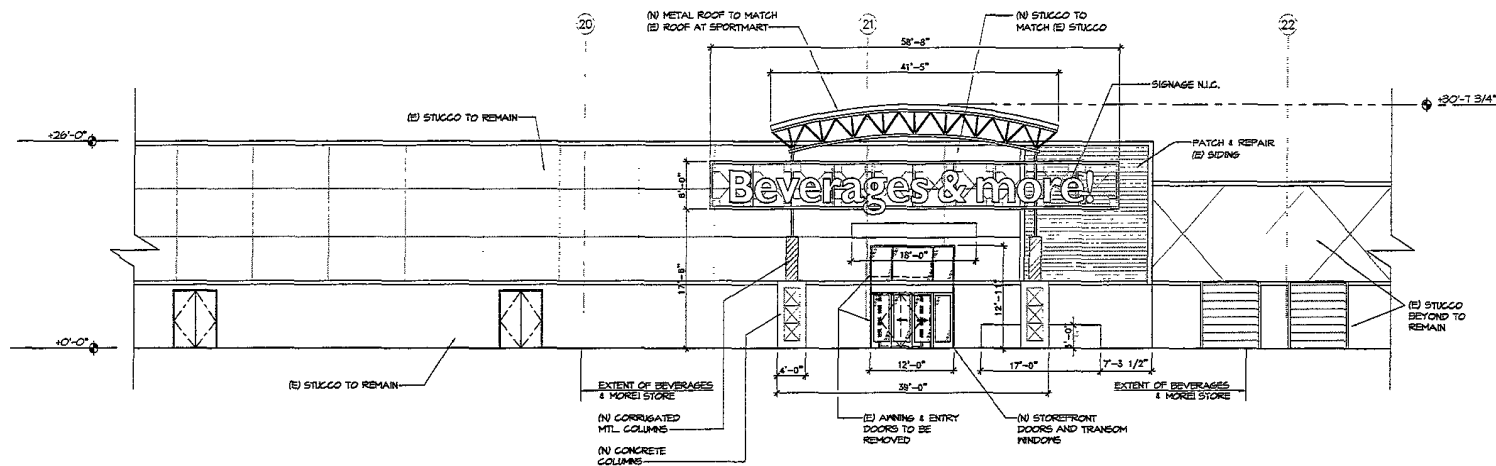


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	FEB. 10, 2003 C.J.P. SUBMITAL	

EXTERIOR ELEVATIONS

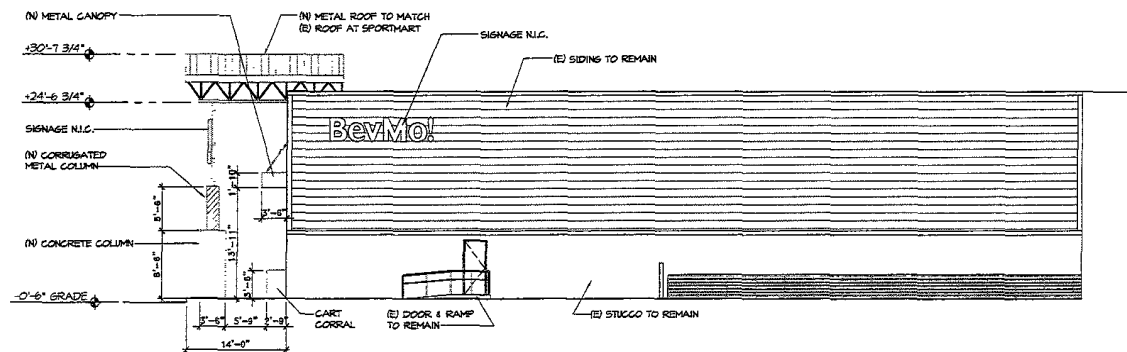
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A4.1



1 WEST ELEVATION
A4.1

1/8" = 1'-0"



2 SOUTH ELEVATION
A4.1

1/8" = 1'-0"

HAYASHIDA
A PROFESSIONAL CORPORATION
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1209 4TH ST. SUITE 300, BAKERSFIELD, CA 93304
TEL: (805) 486-5001 FAX: (805) 486-5001

Beverages & more!
The Great Mall
Great Mall Parkway
Milpitas, California



NO.	REVISIONS	BY
	FEB. 10, 2003 C.D.P. S.M.P.T.	
	MAR. 20, 2003 PLANNING DEPT. S.M.P.T.	

STEVE MCARDEN ☐
 DAWN BOWMAN ☐
 DAN HEDSON ☐
 JASON DEBRITTE ☐
 BOB TAYLOR ☐

EXTERIOR
ELEVATIONS

JOB NO. 02 4360 52
DATE 1/24/03
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44.1

City of Milpitas

Planning Division

455 E. Calaveras Blvd., Milpitas CA 95035

(408) 942-5185

RESOLUTION NO. 168

A RESOLUTION REGARDING STANDARD CONDITIONS FOR COMMERCIAL DEVELOPMENT

WHEREAS, THE CITY PLANNING COMMISSION regards the site appearance of commercial development as being important to community pride,

WHEREAS, CERTAIN "STANDARD" CONDITIONS having consistently been required by the Planning Commission for commercial developments,

WHEREAS, THE CITY PLANNING COMMISSION wishes to aid developers in the preparation of the Site Plans for commercial developments, and to aid the Commission and staff in reducing the number of special conditions,

THEREFORE, BE IT RESOLVED, that the City Planning Commission shall require the following items to be noted on all plans submitted with building permit applications for all commercial developments:

1. Prior to issuance of a building permit, a landscape plan shall be submitted to and approved by the Planning Commission. Said plan shall indicate location and type of trees (deciduous or evergreen), shrubs and ground cover, including sizes and quantities. The applicant is encouraged to utilize mature trees at key areas or focal points on the site to compliment the existing or proposed on-site structures. The landscape plan shall comply with City Council Ordinance No. 238 (An ordinance of the City of Milpitas regulating efficient water use for new or rehabilitated landscapes and existing landscapes).
2. All planter areas shall be serviced by a sprinkler head or drip system.
3. All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance.
4. Prior to issuance of an occupancy permit on this site, the required landscaping shall be planted and in place.
5. All landscaped planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. Plans indicating the curb elevations along public streets shall be approved by the City Engineer prior to construction.
6. All driveway approaches installed in the public right of way shall conform to Public Works Department standards.
7. Any public improvements on the frontage of the subject property that are now or that become damaged during construction shall be restored to the satisfaction of the City Engineer.

8. All on-site public and employee parking, accessways, driveways, loading or similar areas intended for public use shall be paved in accordance with MMC, Title II, Chapter 13, Section 18 as required for commercial developments.
9. All roof-top equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or a line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles.
10. In the event that a fill of over 18 inches above the natural grade is required at the rear or side property line, a grading plan shall be reviewed and approved by the Planning Commission prior to the issuance of a grading permit.
11. On-site utility transformers, boxes, etc. located at the front of the site shall be placed underground (subsurface vaults) or be located at the rear of the property and screened from public view in a manner to the approval of the Planning Commission. For new or relocated transformers or utility boxes on existing developed sites, refer to Section XI-10-42.10-2 of the Milpitas Municipal Code.
12. The applicant shall make changes as noted on Engineering Services Exhibit "S" and return one revised set of exhibit "S" and five sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check.
13. Sidewalks in street rights-of-way shall be in accordance with Standard Drawing No. 426, and shall include 4'x4' tree wells with irrigation bubbler heads connected to the City's water system. The specific tree type and interval shall be determined by the Engineering Division. Trees shall be planted in accordance with Standard Drawing No. 448 (15 gallon minimum size).
14. Whenever on-site drainage is directed to the street right-of-way, either a connection to an underground system or through curb drains shall be installed. A plan of the system, as it affects the street right-of-way, shall be approved by the City Engineer prior to construction.
15. Any work within the City's right of way requires an encroachment permit from the Engineering Division of the Public Works Department.
16. All survey monumentations shall be protected in place. Any disturbed or covered monument shall be reset by a registered civil engineer or land surveyor at the direction of the City Engineer.
17. Site distance areas as indicated on the City standard drawing shall not be obstructed. Overall cumulative height of the grading, landscaping and signs within the sight distance area shall not exceed 2 feet.



Beverages & more!

wine • beer • spirits • & more

**REQUEST FOR LETTER OF
PUBLIC CONVENIENCE OR NECESSITY**

We are requesting that the governing body of the City of Milpitas issue a letter to the State of California, Department of Alcoholic Beverage Control, stating that Public Convenience and Necessity would be met by allowing the issuing of both licenses for which we are applying. (21 Off-Sale and 42 On-Sale Beer & Wine, Public Premises. The 42 license is used for educational wine tasting.)

Beverages & more! is a specialty retailer selling beer, wine, spirits, gourmet food and related items, such as glassware, accessories, etc., which are not easily found elsewhere. We offer over 3000 brands of premium wines, 1000 different gourmet food items, 600 brands of specialty beers and 1200 brands of specialty spirits.

Beverages & more! will employ approximately 15 local residents and will contribute significant tax revenues to the City of Milpitas.

Beverages & more! currently operates 28 stores in California. We opened our newest store in Huntington Beach, CA on December 7, 2002.

That Beverages & more! is committed to the responsible marketing of alcoholic beverage products is demonstrated by: 1) hours of operation being limited to 10 a.m. to 9 p.m. Monday – Friday, 9 a.m. – 9 p.m. on Saturday and 10 a.m. – 7 p.m. on Sunday (unlike like most grocery stores), except for a brief time during the holiday period; 2) store policy prohibitions against selling cigarettes and products of abuse (such as 40 oz. of malt liquor, low-priced, screw-top (Ripple, MD20/20) fortified wines and pints or half-pints of spirits) (again, unlike some grocery stores); and 3) store policy prohibitions against video or pinball games, sales of pornographic videos and magazines, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store (unlike some convenience and/or grocery stores).



Beverages & more!

wine • beer • spirits • & more

February 12, 2003

Mr. Troy Fujimoto
City of Milpitas
Planning Division
455 E. Calaveras Blvd.
Milpitas, CA 95035

Dear Mr. Fujimoto:

RE: BEVERAGES & MORE! – 1210 GREAT MALL DRIVE, MILPITAS, CA
APPLICATION FOR CONDITIONAL USE PERMIT AND REQUEST FOR
LETTER OF PUBLIC CONVENIENCE OR NECESSITY

Beverages & more! is planning to open a store at 1210 Great Mall Drive, Milpitas, CA. Enclosed is an application for a Conditional Use Permit and the information required in order for the Planning Division to issue a letter to the State of California, Department of Alcoholic Beverage Control, stating Public Convenience or Necessity would be met by issuing the licenses for which we are applying.

We are required to apply for a Conditional Use Permit because of the zoning of the location (General Commercial – C-2) and because we intend to sell alcoholic beverages, as well as non-alcoholic beverages, gourmet food items and accessories.

Once the Planning Division has reviewed the enclosures, please advise what else is required, if anything, before we can be placed on the Planning Commission's Agenda for review of this request. We would appreciate being placed on the agenda at first available date to have our request considered.

Also enclosed is material that will give you a better idea of what type of a retailer Beverages & more! is, as well as our check in the amount of \$1,000 as the required deposit.

If you have any questions, or concerns, or need more information, please don't hesitate to call Steve McLaren, Sr. VP Operations, at 925-609-6002.

Sincerely,

S.A. "SAM" Martin
Executive Coordinator/Purchasing Manager

cc: Steve McLaren, Sr. VP Operations
cc: Milpitas File
Enclosures